

MEMO ENDORSED



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August 23, 2022

The Honorable Valerie Caproni
United States District Judge
United States District Court
Southern District of New York
40 Foley Street
New York, NY 10007

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 8/24/22

VIA ECF

Re: *Abreu v. Rowdy Beverage, Inc.*; Case No. 1:22-cv-3606-VEC

Dear Judge Caproni:

We represent plaintiff Luigi Abreu (“Plaintiff”) in the above-referenced action. We respectfully write pursuant to this Court’s Individual Practices in Civil Cases rule 2(C) to request an adjournment of the Initial Pretrial Conference currently scheduled for September 2, 2022, as well as the accompanying joint letter from the parties currently due August 25, 2022, *sine die*. This is Plaintiff’s first request for an adjournment. Plaintiff requests this adjournment because there has been no contact with Defendant or Defense Counsel in this action, and Plaintiff thus intends to move for default.

Defendant in this case was served on May 18, 2022. *See* Docket No. 6. Since that time, Plaintiff’s counsel has not had contact with any counsel representing Defendant, or Defendant itself, despite vigorous efforts to locate counsel and Defendant. Given the absence of contact with Defendant or counsel representing Defendant, Plaintiff intends to promptly move for default in accordance with the procedures detailed in this Court’s Individual Practices, Rule 4(I).

For these reasons, Plaintiff respectfully requests that the Initial Pretrial Conference and Joint Letter be adjourned *sine die* and this Court grant Plaintiff ten (10) days to submit a proposed order to Show Cause for Default Judgement and Proposed Default Judgment, along with supporting papers, in order to move for Default against Defendant if Defendant does not appear or respond by the Court ordered deadline of September 2, 2022.

Respectfully submitted,
/s/ Edward Y. Kroub
Edward Y. Kroub

Cc: All Counsel of Record (via ECF)

Application GRANTED. The Initial Pre-Trial Conference currently scheduled for September 2, 2022, at 10:00 a.m. is hereby ADJOURNED *sine die*. Defendant's time to answer remains stayed until September 2, 2022. Should Defendant fail to answer by that date, Plaintiff must apply for a certificate of default not later than **September 6, 2022**. Plaintiff must then move for default judgment not later than 14 days after the issuance of the certificate of default, in accordance with the Undersigned's Individual Practices.

Plaintiff must serve this order on Defendant and post proof of service on the Docket not later than **August 26, 2022**.

SO ORDERED.


8/24/22

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE